

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John Nicholas Eian et al. Art Unit : 2624  
Serial No. : 10/669,085 Examiner : Yon Couso  
Filed : September 23, 2003 Conf. No. : 1869  
Title : SYSTEM AND METHOD FOR THREE-DIMENSIONAL VIDEO IMAGING  
USING A SINGLE CAMERA

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE REGARDING OATH/DECLARATION**

In response to the Notice Regarding Oath/Declaration mailed July 11, 2007 (copy attached), applicant claims small entity status (see 37 CFR §1.27) and submits herewith the following:

A Declaration in compliance with 37 CFR §1.63.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Aug. 23, 2007

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JUL 11 2007

**OFFICE OF PETITIONS**

In re Application of : DECISION  
Eian et al. : ON PETITION  
Application No. 10/669085 : and NOTICE  
Filing or 371(c) Date: 09/23/2003 : REGARDING  
Attorney Docket Number: : OATH/DECLARATION  
09531-154001 / Z03043

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," filed May 22, 2007. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed January 10, 2007. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on April 11, 2007. A Notice of Abandonment was mailed May 8, 2007.

With the instant petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence<sup>1</sup>.

The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

**Defective oath/declaration**

A review of the oath/declaration filed February 11, 2004 reveals that the oath/declaration fails to comply with 37 CFR 1.63 and 37 CFR 1.56, in that 37 CFR 1.63(b)(3) requires the oath or declaration to state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

The oath/declaration filed February 11, 2004 states that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to examination.

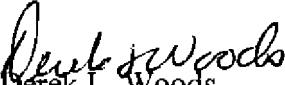
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<sup>1</sup> A review of Office records reveals that the Notice was inadvertently mailed to an incorrect correspondence address.

An oath/declaration in compliance with 37 CFR 1.63 is required.

The application will be referred to Technology Center Art Unit 2624 for re-mailing of the Notice of Allowance and Issue Fee Due, and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions